

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Volha Shauchenka	Team: Squad #15	CCRB Case #: 201608641	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/04/2016 9:53 AM	Location of Incident: St. George bound Grant City train station; 123rd Precinct stationhouse	Precinct: 123	18 Mo. SOL 4/4/2018	EO SOL 4/4/2018	
Date/Time CV Reported Fri, 10/07/2016 11:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/13/2016 1:20 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Commender	22305	945603	123 PCT
2. An officer			
3. POM Gregory Fortunato	13038	952743	123 PCT
4. SGT Nikolaos Stefopoulos	04686	944294	123 PCT
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Anthony Pizzo	00000	927363	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)	
B.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)	
C.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)	
D.POM Daniel Commender	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)	
E.POM Daniel Commender	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)	
F.POM Daniel Commender	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Gregory Fortunato	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)	
H.POM Gregory Fortunato	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)	
I.POM Gregory Fortunato	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)	
J. An officer	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, an officer frisked § 87(2)(b)	
K. An officer	Abuse: On October 4, 2016, at the St. George-Bound Grant City train Station in Staten Island, an officer searched § 87(2)(b)	
L.SGT Nikolaos Stefopoulos	Discourtesy: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos spoke discourteously to § 87(2)(b)	
M.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos threatened § 87(2)(b) with the use of force.	
N.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the 123rd Precinct stationhouse, Sergeant Nikolaos Stefopoulos threatened § 87(2)(b) with the use of force.	
O.SGT Nikolaos Stefopoulos	Abuse: On October 4, 2016, at the 123rd Precinct stationhouse, Sergeant Nikolaos Stefopoulos strip-searched § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
T. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer drew his gun.	
U. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer stopped § 87(2)(b)	
V. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer stopped § 87(2)(b) § 87(2)(b)	
W. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer searched § 87(2)(b)	
X. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
Y. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer strip-searched § 87(2)(b) § 87(2)(b)	
Z. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer strip-searched § 87(2)(b)	
2A. An officer	Abuse: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer damaged § 87(2)(b)'s property.	

Case Summary

§ 87(2)(b) filed this complaint on behalf of himself, § 87(2)(b) and § 87(2)(b) with IAB on October 7, 2016. It was received by the CCRB on October 13, 2016. During his in-person interview at the CCRB on October 28, 2016, § 87(2)(b) filed another complaint on behalf of himself and his friend § 87(2)(b).

On October 4, 2016, § 87(2)(b) and § 87(2)(b) were riding the St. George bound Staten Island train when they were instructed to get off by PO Daniel Commender and PO Gregory Fortunato of the 123rd Precinct. The civilians complied and were allegedly met by Lt. Anthony Pizzo and Sgt. Nikolaos Stefopoulos of the same command on the platform (**Allegations A, B, C, D, E, F, G, H, and I**). Sgt. Stefopoulos searched § 87(2)(b)'s purse where he recovered three pieces of a Xanax tablet in a plastic wrapper. One of the officers allegedly frisked and searched § 87(2)(b) and found Suboxone tablets on him (**Allegations J and K**). § 87(2)(b) was released since he had a prescription on him. § 87(2)(b) and § 87(2)(b) were handcuffed, and § 87(2)(b) inquired why they were being arrested, to which Sgt. Stefopoulos allegedly replied, "Shut your fucking mouth before you are stomped on" (**Allegations L and M**). § 87(2)(b) and § 87(2)(b) were transported to the 123rd Precinct stationhouse, where § 87(2)(b) was taken to the bathroom by Sgt. Stefopoulos, PO Commender and PO Fortunato. In the bathroom, Sgt. Stefopoulos allegedly told § 87(2)(b) if he was going to make a move he was going to drop § 87(2)(b) put him down and he would go to the hospital (**Allegation N**). After that, § 87(2)(b) was strip-searched by Sgt. Stefopoulos with assistance of PO Commender and PO Fortunato (**Allegation O**). § 87(2)(b) was arrested for criminal possession of controlled substance and having a controlled substance in a non-original container and was released with a desk appearance ticket. § 87(2)(b) was arrested for criminal possession of controlled substance with intent to sell, criminal sale of controlled substance, criminal possession of controlled substance and having a controlled substance in a non-original container and was taken to Staten Island Central Booking. No stop, question and frisk report was prepared for § 87(2)(b) by Sgt. Stefopoulos, PO Commender or PO Fortunato (**Allegations P, Q, and R**). Sgt. Stefopoulos failed to document the strip-search in the Command Log (**Allegation S**).

On an unknown date, sometime before 12:00 p.m., § 87(2)(b) and his friend § 87(2)(b) left a § 87(2)(b) on Segune Avenue in Staten Island and rode to Princess Bay train station in § 87(2)(b)'s car where § 87(2)(b) was going to make a narcotics sale. § 87(2)(b) parked his car by a barber shop on Segune Avenue, and § 87(2)(b) exited the car. Shortly after that, an officer, PO1, approached § 87(2)(b) on the passenger's side allegedly with gun drawn and instructed him to exit (**Allegation T and U**). § 87(2)(b) was stopped as well, and PO1 and his partner PO2 searched § 87(2)(b) and § 87(2)(b) (**Allegations V, W, and X**). Sgt.1, who § 87(2)(b) claimed to be Sgt. Stefopoulos, allegedly strip-searched § 87(2)(b) on the sidewalk and recovered five bags of heroin somewhere in his clothing (**Allegation Y**). Sgt.1 also allegedly strip-searched § 87(2)(b) on the sidewalk and cut through his two pairs of underwear with a knife, where he recovered § 87(2)(b)'s prescription medication (**Allegations Z and 2A**). § 87(2)(b) and § 87(2)(b) were both arrested and taken to the 123rd Precinct stationhouse. § 87(2)(b) did not know what happened to § 87(2)(b).

The case is submitted past its 90-day benchmark due to multiple attempts to interview § 87(2)(b) to determine the date of the second incident.

Video Evidence



201608641_20161115_1210_DM.mp4

[BR 08]

Camera 52

The video was recorded by the security camera installed at the Grant City train station and depicts the chronology of the incident.

Mediation, Civil and Criminal Histories

- The case is unsuitable for mediation to the arrests that stemmed from the incident.
- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of February 1, 2017 with regard to the incident [BR 20].
- On February 1, 2017, a request to determine if a Notice of Claim was filed by § 87(2)(b) was submitted; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 15].

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
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[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) and on behalf of § 87(2)(b) and § 87(2)(b) [BR 22].
- § 87(2)(b)
- Sgt. Stefopoulos has been a member of the service for nine years and has 12 CCRB complaints filed against him containing 36 allegations. § 87(2)(g), § 87(4-b)
- In case #201409178, there are three substantiated allegations of a hit against inanimate object, threat of force and discourtesy pleaded against Sgt. Stefopoulos, for which the CCRB has recommended command charges. Administrative Prosecution Trial ruled that Sgt. Stefopoulos was not guilty and not penalized as a result.
- In case #201411079, there are two substantiated allegations of frisk and search of a person pleaded against Sgt. Stefopoulos, for which the CCRB recommended command discipline A. Sgt. Stefopoulos has undergone formalized training by NYPD in regards. In the same case, Sgt. Stefopoulos told a complainant, “Open your fucking hand before I crush you,” after approaching her to execute a narcotics related arrest. The statement is similar in nature to the one § 87(2)(b) alleged Sgt. Stefopoulos made to him on the train platform.
- In cases #201308277 and 201506511, there are two discourtesy allegations pleaded against Sgt. Stefopoulos that was closed as complainant uncooperative and unsubstantiated.
- In cases #201308277, 201411079, 201412620, and 201603111, there are four stop allegations pleaded against Sgt. Stefopoulos that were closed as complainant uncooperative, exonerated, and unsubstantiated, respectively.
- PO Commender has been a member of the service for nine years and has three CCRB complaints filed against him containing 16 allegations, none of which were substantiated. In case #20121262, there is one stop allegation pleaded against PO Commender, which was closed as unsubstantiated. § 87(2)(g)
- PO Fortunato has been a member of the service for four years and has two CCRB complaints filed against him containing two allegations, none of which were substantiated. § 87(2)(g)

Potential Issues

- Verified statements were not obtained from either § 87(2)(b) or § 87(2)(b) since both of them refused to participate in the investigation for personal reasons and due to an active criminal case, respectively.

- § 87(2)(b) missed three scheduled interviews at the CCRB, therefore a sworn statement was not obtained from him. The identity or contact information of § 87(2)(b) was not established since § 87(2)(b) did not know his full name or contact information.

Findings and Recommendations

Explanation of Subject Officer Identification

- Although it is disputed who initially stopped § 87(2)(b) and § 87(2)(b) the stop allegations are pleaded against Sgt. Stefopoulos, PO Commender and PO Fortunato since all three officers participated in it.
- During his in-person statement to the CCRB, § 87(2)(b) alleged that on October 4, 2016, one of the officers frisked and searched § 87(2)(b). However, he could not specify which of the officers did that. Since § 87(2)(b) did not provide a verified statement to the CCRB and § 87(2)(b) could not identify the officer who committed the alleged misconduct, Allegations J and K and are being pleaded against “an officer.”
- Since Sgt. Stefopoulos was the one who made the decision to strip-search § 87(2)(b) and PO Commender and PO Fortunato simply assisted him during the strip-search, Allegation O is being pleaded against Sgt. Stefopoulos only.
- During his initial phone statement, § 87(2)(b) did not provide the exact date for the second incident [BR 02]. When interviewed at the CCRB, § 87(2)(b) alleged that on May 16, 2016, he and § 87(2)(b) interacted with three plain clothes officers one of whom was Sgt. Stefopoulos [BR 04]. PO1 was described as a white male, short, bald, and wearing shorts and a white shirt. § 87(2)(b) could not provide any descriptions for PO2. During a follow-up phone call, § 87(2)(b) stated he needed to look through his documentation to provide the exact date of the incident [BR 09]. According to NYPD’s BADS database, neither § 87(2)(b) nor § 87(2)(b) was arrested on May 16, 2016 [NYPD 25]. There is no record of a stop, question and frisk report prepared for § 87(2)(b) or § 87(2)(b) within the confines of the 123rd Precinct boundaries in May 2016 [BR 21]. Sgt. Stefopoulos did not believe he arrested § 87(2)(b) prior to October 4, 2016, although he admitted his team had [BR 10]. Since § 87(2)(b) could not provide the exact date of the incident, § 87(2)(b) never provided a verified statement with the exact date, and there were no NYPD documents prepared in regards to the incident during the alleged month it took place, Allegations T, U, V, W, X, Y, Z and 2A are being pleaded against “an officer.”

Allegations Not Pleaded

- **Abuse of Authority:** Since Sgt. Stefopoulos, PO Commender and PO Fortunato operated under the understanding that § 87(2)(b) and § 87(2)(b) were arrested immediately after they were taken off the train, frisk and search allegations are not being pleaded separately as they occurred during search incident to their arrests.

Allegation A – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)

Allegation B – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)

Allegation C – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)

Allegation D – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)

Allegation E – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)

Allegation F – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Daniel Commender stopped § 87(2)(b)

Allegation G – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)

Allegation H – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)

Allegation I – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Police Officer Gregory Fortunato stopped § 87(2)(b)

§ 87(2)(g)

During his interview at the CCRB, § 87(2)(b) stated that on October 4, 2016, he and § 87(2)(b) boarded the Staten Island Railroad train at the Princess Bay station and headed towards the St. George Ferry Terminal to get breakfast at McDonalds [BR 04]. On the train, they met an acquaintance of § 87(2)(b) and § 87(2)(b) sat next to each other, and § 87(2)(b) was sitting next to them. All three of them were talking about narcotics in a loud manner, but § 87(2)(b) indicated that they were talking about Xanax and how one can die from mixing it with § 87(2)(b) and about an acquaintance of theirs who passed away from that. § 87(2)(b) specified although they were talking about narcotics, they were not talking about selling them. When the train stopped at Grant City station, PO Commender entered the car from the platform and PO Fortunato entered from the nearby car, and both officers approached § 87(2)(b) and § 87(2)(b). PO Commender instructed all three civilians to exit the train, and they complied after § 87(2)(b) used some profanities towards the officers inquiring why they had to get off. When the civilians got off the train, Sgt. Stefopoulos and Lt. Pizzo were already waiting for them on the platform. After § 87(2)(b) and § 87(2)(b) were searched, either Sgt. Stefopoulos or Lt. Pizzo obtained § 87(2)(b)'s identification and checked it for outstanding warrants. § 87(2)(b) denied selling any narcotics to § 87(2)(b) or any other person. Additionally, neither § 87(2)(b) nor § 87(2)(b) passed any items to § 87(2)(b) on the train. § 87(2)(b) stated he does not sell narcotics in general. § 87(2)(b) was largely consistent in his statements to the CCRB and IAB [BR 01, 02, 03].

In his statement to the CCRB, Sgt. Stefopoulos explained that he, Lt. Pizzo, PO Commender, PO Fortunato, PO Vincent Casaletto, PO Christine Ceccarelli and other members of his team were conducting narcotics enforcement on the Staten Island Rapid Transit based on multiple community complaints of drug activity on the trains [BR 10]. At Princess Bay station, located in the vicinity of a § 87(2)(b), Sgt. Stefopoulos observed § 87(2)(b) standing together with § 87(2)(b) and § 87(2)(b). Sgt. Stefopoulos explained to the investigator he is

familiar with § 87(2)(b) and is aware of his previous history of narcotics offences. Sgt. Stefopoulos learned that § 87(2)(b) had been selling narcotics at that train station from various debriefings with various prisoners. Sgt. Stefopoulos stated he never personally arrested § 87(2)(b) before, but his team had. After observing § 87(2)(b) on the platform, Sgt. Stefopoulos heard him say to § 87(2)(b) and § 87(2)(b) “Let’s move. There are fucking cops here,” since he observed PO Casaletto, and Sgt. Stefopoulos assumed § 87(2)(b) knew that officer’s face. When St. George bound train arrived, § 87(2)(b) and § 87(2)(b) boarded the train, and Sgt. Stefopoulos instructed the rest of his team to board the train with them. PO Casaletto was dismissed and left the location. Sgt. Stefopoulos and PO Ceccarelli entered the last car together with the civilians, and PO Commender and PO Fortunato boarded the train in different cars.

Inside the train car, Sgt. Stefopoulos stood approximately 15 to 20 feet away from § 87(2)(b) and § 87(2)(b) and conducted surveillance on them. All three civilians engaged in a narcotics-related conversation, during which § 87(2)(b) stated he had “bars” (Xanax) and he was going to “re-up,” meaning buy more, at McDonalds. At some point, § 87(2)(b) told § 87(2)(b) “Hold these for now. Get me what you have, and when I re-up at McDonalds I’ll take care of you.” § 87(2)(b) stated the same to § 87(2)(b). Sgt. Stefopoulos knew § 87(2)(b) was making those statements as he was facing the sergeant at that moment. § 87(2)(b) and § 87(2)(b) were also speaking, but he could not hear what they were saying as they were sitting with their backs to him. After § 87(2)(b) made the abovementioned statements, he reached towards his waistband and passed an object to § 87(2)(b) which Sgt. Stefopoulos did not observe. § 87(2)(b) took the object and placed it into her purse. Sgt. Stefopoulos did not observe any money being exchanged between the two of them. Based on his training and experience, the fact that § 87(2)(b) reached for his waistband immediately after engaging in a drug-related conversation, Sgt. Stefopoulos concluded that § 87(2)(b) and § 87(2)(b) engaged in a drug transaction. Sgt. Stefopoulos radioed to his team that at the next stop he was going to walk away and specifically instructed his partners to take “§ 87(2)(b) § 87(2)(b) and “the female” § 87(2)(b) off the train. Sgt. Stefopoulos did not recall whether he provided any additional descriptions of § 87(2)(b) and § 87(2)(b) nor did he recall giving specific instructions about what to do with § 87(2)(b). At that point, Sgt. Stefopoulos believed he had probable cause to arrest § 87(2)(b) and § 87(2)(b) as he thought they engaged in a drug-transaction. Sgt. Stefopoulos specified he trains Narcotics detectives, has been involved in over 1000 narcotics-related arrests, has special training in hand-to-hand transactions and had observed hundreds of hand-to-hand transactions in his career.

On the next stop, Sgt. Stefopoulos instructed PO Ceccarelli to leave as he did not wish to reveal her identity to civilians and exited the train. Sgt. Stefopoulos passed by PO Commender and PO Fortunato and informed them that § 87(2)(b) and § 87(2)(b) were under arrest. Sgt. Stefopoulos headed towards the stairwell on the left side of the platform and intended to walk away since he was the observing officer. However, he noticed that all three civilians were escorted off the train, and assumed that PO Commender and PO Fortunato might have been confused. Sgt. Stefopoulos immediately went to them since he did not have probable cause to arrest § 87(2)(b) and at that point he was only under suspicion. Sgt. Stefopoulos explained to the undersigned that PO Fortunato and PO Commender had seen § 87(2)(b)’s photo before, but might have not fully remembered him. Upon approaching the civilians and the officers, Sgt. Stefopoulos explained to § 87(2)(b) she was being detained and searched her purse. Sgt. Stefopoulos recovered several broken Xanax pills in a plastic wrapper and took § 87(2)(b) to

the side where he debriefed her. After that, Sgt. Stefopoulos and § 87(2)(b) returned to the location where everyone was stopped and informed § 87(2)(b) and § 87(2)(b) they were under arrest. Sgt. Stefopoulos told PO Commender and PO Fortunato that § 87(2)(b) was not under arrest. § 87(2)(b) asked Sgt. Stefopoulos what was happening and Sgt. Stefopoulos explained to him the reason for their stop. Sgt. Stefopoulos informed § 87(2)(b) he was free to leave, but § 87(2)(b) inquired whether he could stay nearby while the officers were with § 87(2)(b) and § 87(2)(b). Sgt. Stefopoulos allowed § 87(2)(b) to stay and instructed him to step to the side. Sgt. Stefopoulos acknowledged that § 87(2)(b) was considered stopped as well, but noted that he did not obtain his identification nor was he aware if PO Commender or PO Fortunato obtained it. Sgt. Stefopoulos was not aware if PO Commender or PO Fortunato conducted a warrant check for § 87(2)(b).

In his testimony to the CCRB, PO Commender confirmed his team was conducting the narcotics enforcement operation on the Staten Island Railroad, however he did not mention that PO Casaletto and PO Ceccarelli were working with them [BR 13]. After riding the train for some time, PO Commender, PO Fortunato, Sgt. Stefopoulos and Lt. Pizzo exited at Princess Bay station. PO Commender was standing a few feet away from the train station as he did not wish to reveal his face to anyone since he is known to work within the confines of the 123rd Precinct. At some point, Sgt. Stefopoulos communicated to the team he observed § 87(2)(b) and § 87(2)(b). PO Commender did not observe the civilians, but believed they might have just come from their § 87(2)(b) program since a specialized van drops the clinic's patients at that train station. PO Commender explained to the investigator he is familiar with § 87(2)(b) from seeing him at the precinct several times and talking to him when he was working as an anti-crime officer. PO Commender knew § 87(2)(b) frequents the § 87(2)(b) and is a known drug user, although not a violent criminal. After Sgt. Stefopoulos saw § 87(2)(b) and § 87(2)(b) were about to board the train, he instructed the team to board the train with them in different cars. Sgt. Stefopoulos boarded the train in the same car with § 87(2)(b) and § 87(2)(b) closer to the end of the train, while PO Commender and PO Fortunato boarded the train in separate cars towards the beginning. Lt. Pizzo drove along the railroad in an unmarked car. When the train was passing Annadale train station, Sgt. Stefopoulos informed the team that he heard two individuals engage in a drug-related conversation, the substance of which PO Commender did not know. Sgt. Stefopoulos also informed the team that he saw § 87(2)(b) and possibly § 87(2)(b) pass something to each other hand-to-hand. PO Commender specifically recalled that § 87(2)(b) was involved in the transaction, but did not recall if Sgt. Stefopoulos specified what he observed being passed. Sgt. Stefopoulos informed the team he was going to take § 87(2)(b) and § 87(2)(b) off the train and instructed the rest of the officers to exit the train and meet him. At Grant City station, PO Commender exited the train and observed Sgt. Stefopoulos and the civilians exit the train somewhere in the middle of the platform. PO Commender went to the train operator and asked him to wait while Sgt. Stefopoulos and the civilians finish exiting the train, after which he let the train go. When PO Commender and PO Fortunato, who he met on the way, approached Sgt. Stefopoulos, he was already explaining to the civilians why they were being stopped. Sgt. Stefopoulos searched § 87(2)(b) and recovered three partial Xanax pills, after which he searched § 87(2)(b) and recovered money from him, possibly five dollars. After that, § 87(2)(b) and § 87(2)(b) were placed under arrest, and Sgt. Stefopoulos instructed PO Commender and PO Fortunato to handcuff them. PO Commender did not speak to § 87(2)(b) nor did he recall if § 87(2)(b) was involved in the drug transaction. PO Commender did not recall if § 87(2)(b)'s identification was obtained and checked for warrants.

Eventually, Sgt. Stefopoulos made a decision to let § 87(2)(b) go since he did not have anything on him, but PO Commender did not recall how Sgt. Stefopoulos made that determination. PO Commender did not recall if § 87(2)(b) was considered stopped. At some point, Lt. Pizzo arrived at the platform to verify the arrests.

PO Fortunato corroborated Sgt. Stefopoulos' and PO Commender's accounts that he team was riding on the Staten Island train in different cars and at some point Sgt. Stefopoulos informed the officers that he observed individuals engage in a hand-to-hand transaction and drug-related conversation [BR 11]. Sgt. Stefopoulos instructed the officers to take the individuals off the train. PO Fortunato noted Sgt. Stefopoulos provided descriptions of all the individuals, but he did not recall them at the time. Sgt. Stefopoulos did not provide any additional details about the hand-to-hand transaction or drug-related conversation that he observed and heard. Sgt. Stefopoulos did not provide any instructions about what to do after the individuals are taken off the train. PO Fortunato confirmed that PO Commender went to the train conductor, and when he returned both officers entered the car where § 87(2)(b) was, identified themselves and instructed him, § 87(2)(b) and § 87(2)(b) to get off the train. All three civilians exited the train and Sgt. Stefopoulos and Lt. Pizzo approached them and PO Commender and PO Fortunato. Sgt. Stefopoulos searched § 87(2)(b)'s purse and recovered what PO Fortunato believed were Xanax pills. Sgt. Stefopoulos took § 87(2)(b) to the side and spoke to her for some time. PO Commender searched § 87(2)(b) and PO Fortunato explained that he believed § 87(2)(b) and § 87(2)(b) were under arrest from the moment Sgt. Stefopoulos observed the hand-to-hand transaction. PO Fortunato confirmed that at some point Sgt. Stefopoulos made the decision that § 87(2)(b) was free to leave, but he was not aware why. PO Fortunato did not obtain § 87(2)(b)'s identification nor did he know if any other officer did that. PO Fortunato did not conduct a warrant check for any of the individuals and was not aware whether any other officers did so. § 87(2)(b) remained on scene until § 87(2)(b) and § 87(2)(b) were taken to the stationhouse voluntarily, but PO Fortunato confirmed that § 87(2)(b) initially was considered stopped before Sgt. Stefopoulos let him go. PO Fortunato was not familiar with § 87(2)(b) or § 87(2)(b).

During his CCRB interview, Lt. Pizzo corroborated the rest of his officers' accounts in regards to the narcotics enforcement on the Staten Island Railway and added that the Princess Bay station area is known drug location due to its proximity to the § 87(2)(b) [BR 12]. Lt. Pizzo stated he also observed § 87(2)(b) and § 87(2)(b) on the platform and noted that he his team is personally familiar with § 87(2)(b) and had previous encounters with him. § 87(2)(b) is a known narcotics user and seller, commits property crimes and has approximately 30 arrests. Lt. Pizzo personally debriefed § 87(2)(b) on various occasions and members of his anti-crime team have arrested § 87(2)(b) in the past and during the year 2016. Lt. Pizzo and Sgt. Stefopoulos made a decision that their team will board the train to continue their special operation and conduct surveillance on § 87(2)(b) for possible narcotics transactions. Sgt. Stefopoulos, PO Commender and PO Fortunato boarded the train, and Lt. Pizzo headed to his vehicle. Lt. Pizzo did not recall where PO Casaletto was at the time, and did not indicate that PO Ceccarelli was working with them. In approximately ten to fifteen minutes, Sgt. Stefopoulos informed Lt. Pizzo he and the rest of the team would conduct a stop at Grant City train station. Sgt. Stefopoulos did not explain why or who he was going to stop. Lt. Pizzo did not know that § 87(2)(b) was going to be stopped at that point. Upon his arrival to Grant City train station, Lt. Pizzo observed Sgt. Stefopoulos, PO Commender, and PO Fortunato together with § 87(2)(b) and § 87(2)(b) somewhere in the middle of the platform. Lt. Pizzo

observed all three civilians sit in a bench area since they were detained for narcotics investigation and PO Commender and PO Fortunato were watching them. Lt. Pizzo did not recall what specific factors led to § 87(2)(b)'s stop together with § 87(2)(b) and § 87(2)(b). None of the civilians were in handcuffs at that point. Lt. Pizzo spoke to Sgt. Stefopoulos who informed him that he observed § 87(2)(b) exchange pills with § 87(2)(b) on the train. Lt. Pizzo did not know what type of pills the civilians exchanged, and noted that Sgt. Stefopoulos had recovered the pills from § 87(2)(b) already. Lt. Pizzo did not know how or when the pills were recovered nor did he observe Sgt. Stefopoulos remove the pills from § 87(2)(b). At some point, identification of all three individuals was obtained, but Lt. Pizzo did not recall who obtained it nor did he obtain it himself. Lt. Pizzo stated that a warrant check was conducted for § 87(2)(b) but he did not recall who conducted it. Lt. Pizzo authorized and verified the arrests of § 87(2)(b) and § 87(2)(b) based on the information related to him by Sgt. Stefopoulos, namely the fact that he observed them engage in a drug transaction and pills were recovered from § 87(2)(b). Lt. Pizzo made the decision to release § 87(2)(b) based on the information Sgt. Stefopoulos provided to him, the specifics of which he did not recall.

Based on the video evidence, after the St. George bound train arrives to the Grant City station, PO Commender exits the first car and instructs the train operator to wait with his hand [BR 08]. In approximately 30 seconds, one individual, possibly the second officer, exits the train from the third or fourth car, together with three individuals, identified by the investigation as § 87(2)(b) and § 87(2)(b) however, none of them are clearly visible due to the poor quality of the video. At 1:17 minutes, another officer is seen pacing back and forth on the platform somewhere between PO Commender and the stopped civilians. As the train leaves, PO Commender walks towards the end of the platform, and joins the civilians, and the two officers at 1:23 minutes. The rest of the video is unclear, and at some point, a fourth officer joins the rest of the group on the platform. At 18:23 minutes, PO Commender, Sgt. Stefopoulos and § 87(2)(b) who is handcuffed, come towards the beginning of the platform where they talk for approximately seven minutes. Sgt. Stefopoulos is holding § 87(2)(b)'s purse during the conversation. After that, PO Commender takes § 87(2)(b) away and Sgt. Stefopoulos returns to the group at the end of the platform. The actions of the officers are not seen on the video since the location of the stop is far away from the camera.

According to the information provided by the New York State Troopers and IAB in-house, a user with a tax registry number that belongs to Lt. Pizzo conducted a warrant check for § 87(2)(b) at 9:44 a.m. on the day of the incident [NYPD 14 and 15].

Property vouchers prepared for § 87(2)(b) and § 87(2)(b) indicate that three partial white Alprazolam pills were recovered in a plastic wrapper together with five one-dollar bills, without specifying what was recovered from who [NYPD 01].

According to New York State Criminal Procedure Law § 140.50, an officer may stop an individual if he/she has reasonable suspicion that an individual has committed, is committing or is about to commit a crime [BR 23]. As per People v. Dubois, 2012 NY 020323, an officer must possess non-hearsay factual allegations to support his/her reasonable suspicion that a crime has occurred [BR 27]. An exchange of a small unspecified object for what appeared to be a sum of U.S. currency was not enough to constitute reasonable suspicion that a crime has occurred. According to People v. Gittens, 211 A.D.2d 242, when officers are working together and a fellow officer or officers possess knowledge which alone, or in conjunction with the knowledge possessed by the other officer, may be sufficient to warrant some intrusive action on his/her behalf [BR 26].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation J – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, an officer frisked § 87(2)(b)

Allegation K – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train Station in Staten Island, an officer searched § 87(2)(b)

§ 87(2)(b) alleged that after he, § 87(2)(b) and § 87(2)(b) were stopped, one of the officers § 87(2)(b) did not recall who specifically) frisked and searched § 87(2)(b) and found Suboxone tablets in one of his pockets [BR 04]. Since § 87(2)(b) had prescription for his medication, he was released.

Both Sgt. Stefopoulos and PO Fortinato denied frisking or searching § 87(2)(b) and stated they did not observe other officers do so [BR 10, 11].

PO Commender stated he did not recall frisking or searching § 87(2)(b) nor did he observe any other officers do so [BR 13]. PO Commender did not recall if any pills were found on § 87(2)(b) either.

Lt. Pizzo indicated he did not recall observing any officers frisk and search § 87(2)(b) and recover any pills on § 87(2)(b) nor did he recall doing so himself [BR 12].

§ 87(2)(b), § 87(2)(g)

Allegation L – Discourtesy: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos spoke discourteously to § 87(2)(b)

Allegation M – Abuse of Authority: On October 4, 2016, at the St. George bound Grant City train station in Staten Island, Sergeant Nikolaos Stefopoulos threatened § 87(2)(b) with the use of force.

During his interview at the CCRB, initially, § 87(2)(b) stated that when he inquired why § 87(2)(b) and he were being arrested, Sgt. Stefopoulos replied, “Shut your mouth. Put him in cuffs” [BR 04]. Later, during a follow-up question, § 87(2)(b) stated that Sgt. Stefopoulos said, “Shut your fucking mouth before you are stomped on.” § 87(2)(b) did not make this allegation in any of his prior statements either to IAB or CCRB [BR 01, 02, 03].

Sgt. Stefopoulos denied making the abovementioned statement, using any profanity or threaten § 87(2)(b) with the use of force on the train platform [BR 10].

PO Commender, PO Fortunato and Lt. Pizzo denied hearing Sgt. Stefopoulos make the abovementioned statement, use any profanity toward § 87(2)(b) and threaten him with the use of force [BR 11, 12, 13].

§ 87(2)(b), § 87(2)(g)

Allegation N – Abuse of Authority: On October 4, 2016, at the 123rd Precinct stationhouse, Sergeant Nikolaos Stefopoulos threatened § 87(2)(b) with the use of force.

Allegation O – Abuse of Authority: On October 4, 2016, at the 123rd Precinct stationhouse, Sergeant Nikolaos Stefopoulos strip-searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) alleged that after he and § 87(2)(b) were transported to the 123rd Precinct stationhouse, § 87(2)(b) was lodged into a female holding cell and he was taken to the bathroom by Sgt. Stefopoulos [BR 04]. § 87(2)(b) explained the bathroom is located across the hall from the holding cells and has a doorway without a door. The view of the bathroom is obstructed by a wall separating it from the female holding cells, while male prisoners are able to see what is occurring in the bathroom, however there were no other prisoners lodged in the male cells. Sgt. Stefopoulos went into the bathroom with § 87(2)(b) while PO Commender, PO Fortunato and Lt. Pizzo were standing outside the doorway. Either PO Commender or Sgt.

§ 87(2)(b), § 87(2)(a) CVR § 50-b

[REDACTED]

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again, and he moved away from PO Commender again. PO Commender noted that he did not observe any bulges on § 87(2)(b) while on the platform and determined § 87(2)(b) was not a threat. § 87(2)(b), § 87(2)(e), § 87(2)(f), § 87(2)(a) CVR § 50-b

After § 87(2)(b) and § 87(2)(b) were transported to the stationhouse, PO Commender conducted a more thorough search of § 87(2)(b) at the desk by checking his pockets and waistband. When PO Commender reached § 87(2)(b)'s inner thigh area, § 87(2)(b) moved away his legs again. Sgt. Stefopoulos witnessed § 87(2)(b)'s movements during the desk search, and PO Fortunato was standing nearby as well. Next, § 87(2)(b) and § 87(2)(b) were lodged in the holding cells, and Sgt. Stefopoulos and PO Commender had a conversation. After observing § 87(2)(b)'s movements at the desk, Sgt. Stefopoulos asked PO Commender if he thought § 87(2)(b) was concealing contraband in his underwear, since § 87(2)(b) is known for it. PO Commender replied that was possible based on § 87(2)(b)'s movements, and Sgt. Stefopoulos determined that was a viable reason to authorize a strip-search on § 87(2)(b). Officers informed § 87(2)(b) they were going to strip-search him, and § 87(2)(b) replied that was fine. Sgt. Stefopoulos, PO Commender, and PO Fortunato took § 87(2)(b) to the bathroom in the cell area located perpendicular to the cells to the right of the main entrance to the cell area. There is a closet located directly across from the bathroom and a wall across from the cell; the area does not have a cell attendant desk. The interior of the bathroom is not visible to the prisoners and the bathroom has a door. § 87(2)(b) was lodged in the female cells at the time located near the male holding cells, and no other officers were in the cell area at the time. During the strip-search, § 87(2)(b) stood in the middle of the bathroom facing the doorway and PO Commender together with PO Fortunato who were standing outside the bathroom in the hallway. Sgt. Stefopoulos stood behind § 87(2)(b) further into the bathroom. The bathroom door was open at the time. Sgt. Stefopoulos was the one giving instructions to § 87(2)(b) and actually conducting the search. Sgt. Stefopoulos told § 87(2)(b) which items of clothing to take off, searched it and handed it to PO Commender and PO Fortunato. PO Commender and PO Fortunato placed § 87(2)(b)'s clothing on a table and witnessed Sgt. Stefopoulos give § 87(2)(b) instructions where to move and bend over, during which time he visually inspected § 87(2)(b)'s back private area with a flashlight. PO Commender did not recall if Sgt. Stefopoulos touched § 87(2)(b) with the flashlight nor did he hear § 87(2)(b) complain of that. PO Commender did not recall if he visually inspected § 87(2)(b)'s front private area, and noted Sgt. Stefopoulos might have told § 87(2)(b) to turn around to look there. § 87(2)(b) was calm during the strip-search. PO Commender did not hear any other officer threaten § 87(2)(b) with the use of force. § 87(2)(b). The strip-search revealed negative results and § 87(2)(b)'s clothing was returned to him.

PO Fortunato stated that on the scene PO Commender conducted a regular field search on § 87(2)(b) by checking all of his pockets for safety reasons, which was not a strip-search in any manner. PO Fortunato did not observe PO Commender search any other areas on § 87(2)(b). PO Fortunato noted that § 87(2)(b) was not making any movements during that search since PO Commender did not approach his groin area. § 87(2)(b), § 87(2)(a) CVR § 50-b

At some point during the desk search, Sgt. Stefopoulos informed PO Fortunato and PO Commender that he had intelligence on § 87(2)(b) obtained from debriefings that § 87(2)(b) sells

narcotics and keeps them in his groin area. Based on the abovementioned information, Sgt. Stefopoulos authorized a strip-search on § 87(2)(b) after the desk search. At the time of the incident, PO Fortunato was not personally familiar with § 87(2)(b) but noted that he had heard of him. PO Fortunato learned from other officer that during one of the previous arrests a few months before the incident, during the desk search, § 87(2)(b) attempted to destroy evidence by ingesting marijuana that was sitting on the desk. § 87(2)(b) was taken to the holding cell area and stood in the doorway of the bathroom while its door was open. PO Fortunato confirmed the layout of the cell area and indicated the inside of the bathroom is not visible to other people and no one else was present. PO Fortunato and PO Commander stood facing § 87(2)(b) in the hallway, and Sgt. Stefopoulos stood behind § 87(2)(b) further into the bathroom. PO Fortunato stated he saw § 87(2)(b) in the separate female cells located in the same cell area at some point, but she was not there when § 87(2)(b) was strip-searched. § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) The search yielded negative results. PO Fortunato denied hearing any other officer say to § 87(2)(b) that he would be “dropped,” “put down” and “taken to the hospital.” PO Fortunato described § 87(2)(b)’s demeanor at the stationhouse as extremely compliant except for his movements during the desk search.

In his statement to the CCRB, Lt. Pizzo stated that after he verified § 87(2)(b)’s and § 87(2)(b)’s arrests, he also went to the stationhouse [BR 12]. Lt. Pizzo did not participate in § 87(2)(b)’s and § 87(2)(b)’s arrest processing and was not present during their search. Lt. Pizzo was informed that by Sgt. Stefopoulos that he authorized a strip-search on § 87(2)(b) but Sgt. Stefopoulos did not explain why. Lt. Pizzo did not know who conducted the strip-search on § 87(2)(b) and whether anything was recovered during it. Lt. Pizzo was not present when § 87(2)(b) was strip-searched and he did not hear any officer threaten § 87(2)(b) with a use of force. While on scene, Lt. Pizzo did not recall what the civilians were wearing that day nor did he observe any bulges on § 87(2)(b). Lt. Pizzo did not recall any officers inform him that there was indication that § 87(2)(b) was concealing contraband on his person. Lt. Pizzo did not recall observing § 87(2)(b) make any movements indicating he might have been concealing contraband in his groin area.

§ 87(2)(b) arrest report confirms he was strip-searched, however there are no Command Log entries documenting that [NYPD 07, 11].

As per NYPD Patrol Guide Procedure 208-05, a strip-search may only be conducted when an officer reasonably suspects that weapons, contraband, or evidence may be concealed upon person or in clothing in such a manner that they may not be discovered by the previous search methods [BR 25]. The following factors should be considered in determining whether there is basis for a strip-search: the nature of the crime, arrest circumstances, subject’s reputation, acts of violence, “hits” on metal detectors, and any discoveries or information from previous searches of the same individual or others arrested with him/her.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

██████████

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[illegible][illegible]

§ 87(2)(g), § 87(4-b)

Allegation T – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer drew his gun.

Allegation U – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer stopped § 87(2)(b)

Allegation V – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer stopped § 87(2)(b)

Allegation W – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer searched § 87(2)(b)

Allegation X – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer searched § 87(2)(b)

Allegation Y – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer strip-searched § 87(2)(b)

Allegation Z – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer strip-searched § 87(2)(b)

Allegation 2A – Abuse of Authority: On an unknown date, by the St. George bound Princess Bay train station in Staten Island, an officer damaged § 87(2)(b) **s property.**

In his CCRB verified statement, § 87(2)(b) alleged that on May 15, 2016, he and § 87(2)(b) were stopped by a barber shop near Princess Bay train station in Staten Island [BR 04]. One of the officers drew his weapon, and both § 87(2)(b) and § 87(2)(b) were searched and strip-searched on the street. One of the officers was allegedly Sgt. Stefopoulos, and he was the one who strip-searched § 87(2)(b) and § 87(2)(b) and cut through § 87(2)(b)s underwear in order to recover prescription pills that he had concealed there. § 87(2)(b) could not provide an exact date of the incident in the initial or follow-up phone statements to the CCRB [BR 03, 09].

§ 87(2)(b), § 87(2)(g)

Squad: 15

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date